

## **ORDER OF AN EXECUTIVE OFFICER Boil Water Order**

**To:** **Hutterian Brethren of Jumbo Valley**  
“the Owner”

**Thomas Tschetter**  
“the Owner”

**RE:** The Drinking Water Supply for the housing premises located on the SE 16-11-26-W4M  
Municipal District of Willow Creek No. 26, Alberta and municipally described as:

**Hutterian Brethren of Jumbo Valley**  
SE 16-11-26-W4M  
Municipal District of Willow Creek No. 26, Alberta

**WHEREAS** I, an **Executive Officer** of **Alberta Health Services**, have inspected the above noted drinking water supply pursuant to the provisions of the Public Health Act, RSA 2000, c. P-37, as amended;

**AND WHEREAS** such inspection disclosed that the following conditions exist in and about the above noted drinking water supply which are or may become injurious or dangerous to the public health or which might hinder in any manner the prevention or suppression of disease, namely:

- a. Water source is a well located in a pit and the pit has signs of water accumulation/flooding;
- b. Water source is a well located approximately 11 meters from the confined feeding operation cattle pens where cattle manure is deposited on the ground surface;
- c. Water source is a well located approximately 83 meters from the confined cattle feeding operation sewage lagoon catch basin which contaminated surface water from cattle pens flows into;
- d. Water source has a cross-connection to a well located approximately 6 meters from the confined feeding operation cattle pens where cattle manure is deposited on the ground surface;
- e. Water source has a cross-connection to an untreated surface water source;
- f. The water source may be at risk of contamination due to the shallow 9.14 meters depth to the well’s screen from the surface of the ground and uncertain confining lithology;
- g. Water sample collected October 1, 2018, from the housing premises laundry sink shows the presence of Total Coliform bacteria.

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AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act Nuisance and General Sanitation Regulation, Alberta Regulation 243/2003 exist in and about the above noted Drinking Water Supply, namely

- a. Water source is a well located in a pit and the pit has signs of water accumulation/flooding, which is in contravention of the Nuisance and General Sanitation Regulation Section 11, which states “*Where a person provides a source of water that the person intends to be used or realizes or ought to realize will be used by the public for human consumption, the person shall ensure that the water is potable*” and Section 2 (1)(2)(c), which states “*No person shall create, commit or maintain a nuisance. Without limiting the generality of subsection (1), a person who creates, commits or maintains any well, spring or other water supply, or any ice supply in a condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.*”;
- b. Water source is a well located approximately 11 meters from the confined feeding operation cattle pens where cattle manure is deposited on the ground surface, which is in contravention of the Nuisance and General Sanitation Regulation Section 15 (1)(d), which states “*A person shall not locate a water well that supplies water that is intended or used for human consumption within 50 metres of sewage effluent on the ground surface,*” and Section 2 (1)(2)(c), which states “*No person shall create, commit or maintain a nuisance. Without limiting the generality of subsection (1), a person who creates, commits or maintains any well, spring or other water supply, or any ice supply in a condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.*”;
- c. Water source is a well located approximately 83 meters from the confined cattle feeding operation sewage lagoon catch basin which contaminated surface water from cattle pens flows into, which is in contravention of the Nuisance and General Sanitation Regulation Section 15 (1)(e), which states “*A person shall not locate a water well that supplies water that is intended or used for human consumption within 100 metres of a sewage lagoon,...*”;
- d. Water source has a cross-connection to a well located approximately 6 meters from the confined feeding operation cattle pens where cattle manure is deposited on the ground surface, which is in contravention of the Nuisance and General Sanitation Regulation Section 15 (1)(d), which states “*A person shall not locate a water well that supplies water that is intended or used for human consumption within 50 metres of sewage effluent on the ground surface*” and Section 2 (1)(2)(c), which states “*No person shall create, commit or maintain a nuisance. Without limiting the generality of subsection (1), a person who creates, commits or maintains any well, spring or other water supply, or any ice supply in a condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.*”;
- e. Water source has a cross-connection to an untreated surface water source, which is in contravention of the Nuisance and General Sanitation Regulation Section 11, which states “*Where a person provides a source of water that the person intends to be used or realizes or ought to realize will be used by the public for human consumption, the person shall ensure that the water is potable*” and Section 2 (1)(2)(c), which states “*No person shall create, commit*

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*or maintain a nuisance. Without limiting the generality of subsection (1), a person who creates, commits or maintains any well, spring or other water supply, or any ice supply in a condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.”;*

- f. The water source may be at risk of contamination due to the shallow 9.14 meters depth to the well’s screen from the surface of the ground and uncertain confining lithology, which is in contravention of the Nuisance and General Sanitation Regulation Section 11, which states “*Where a person provides a source of water that the person intends to be used or realizes or ought to realize will be used by the public for human consumption, the person shall ensure that the water is potable*” and Section 2 (1)(2)(c), which states “*No person shall create, commit or maintain a nuisance. Without limiting the generality of subsection (1), a person who creates, commits or maintains any well, spring or other water supply, or any ice supply in a condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.”;*
- g. Water sample collected October 1, 2018, from the housing premises laundry sink shows the presence of Total Coliform bacteria, which is in contravention of the Nuisance and General Sanitation Regulation Section 11, which states “*Where a person provides a source of water that the person intends to be used or realizes or ought to realize will be used by the public for human consumption, the person shall ensure that the water is potable*”.

AND WHEREAS by virtue of the foregoing, the above noted Drinking Water Supply is hereby declared **unfit for human consumption**;

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

- 1. That the Owner immediately issue a Boil Water Advisory to the occupants of this housing premises connected to the water distribution system.
- 2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted drinking water supply, namely:
  - a. Discontinue use of the well for human consumption;
  - b. Provide a plan acceptable to Alberta Health Services, Environmental Public Health Calgary Zone by December 3, 2018 that involves the provision of potable water supply for domestic human consumption on the property using one of the following options:
    - I. Disconnect the existing well water supply to the house and construct a new potable well that meets regulatory setbacks and well drilling regulations, or;
    - II. Disconnect the existing well water supply to the house and install a potable water cistern.

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- c. Once the housing premises water supply pressure is restored, flush the premises plumbing system to remove any potentially contaminated water including the hot water tank;
  - d. Once the work described in paragraph 2 (b) and (c) are completed, submit water samples as directed by an Executive Officer of Alberta Health Services.
3. That, until such time as the work referred to in paragraph 2 is completed to the satisfaction of the undersigned, or an executive officer of Alberta Health Services, and the samples submitted as per paragraph 2(d) have been consistently confirmed satisfactory, this order shall remain in effect.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Claresholm, Alberta, October 5, 2018, confirming a verbal Order issued on October 3, 2018.

Richard Steeves, BSc BAA CPHI(C)  
Executive Officer  
Alberta Health Services

You have the right to appeal

A person who      a) is directly affected by a decision of a Regional Health Authority, and  
                                 b) feels himself aggrieved by the decision

may appeal the decision by submitting a Notice of Appeal form within ten (10) days after receiving the order to:

Public Health Appeal Board  
c/o Central Reception  
Main Floor, ATB Place North Tower  
10025 Jasper Avenue NW  
Edmonton, Alberta, T5J 1S6  
Phone: 780-222-5186  
Fax: 780-422-0914  
Email: [HealthAppealBoard@gov.ab.ca](mailto:HealthAppealBoard@gov.ab.ca)  
Website: <http://www.health.alberta.ca/about/PHAB.html>

A Notice of Appeal form may be obtained by contacting Alberta Health Services at 780-342-0122 or by contacting the Public Health Appeal Board.

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Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or [www.qp.gov.ab.ca](http://www.qp.gov.ab.ca).

Health Legislation and regulations are available for purchase. Please contact Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or [www.qp.gov.ab.ca](http://www.qp.gov.ab.ca).

Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518 or by visiting: [www.health.alberta.ca/about/health-legislation.html](http://www.health.alberta.ca/about/health-legislation.html)

Template revised May 8, 2018

Copy: Julie Wright, Approval Officer, Natural Resources Conservation Board

**AIRDRIE Regional Health Centre**

604 Main Street South  
Airdrie, AB T4B 3K7  
Phone: 403-912-8400  
Fax: 403-912-8410

**BANFF Health Unit**

303 Lynx Street  
PO Box 1266  
Banff, AB T1L 1B3  
Phone: 403-762-2990  
Fax: 403-762-5570

**CALGARY - Southport Atrium**

10101 Southport Road SW  
Calgary, AB T2W 3N2  
Phone: 403-943-2288  
Fax: 403-943-8056

**CANMORE Public Health**

#104, 800 Railway Avenue  
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Phone: 403-678-5656  
Fax: 403-678-5068

**CLARESHOLM Health Unit**

5221 2<sup>nd</sup> Street W  
PO Box 1391  
Claresholm, AB T0L 0T0  
Phone: 403 625-4061  
Fax: 403-625-4062

**COCHRANE Community Health Centre**

60 Grande Boulevard  
Cochrane, AB T4C 0S4  
Phone: 403-851-6000  
Fax: 403- 851-6009

**OKOTOKS Health and Wellness Centre**

11 Cimarron Common  
Okotoks, AB T1S 2E9  
Phone: 403-995-2600  
Fax: 403-995-2639

**STRATHMORE Public Health Office**

650 Westchester Road  
Strathmore, AB T1P 1H8  
Phone: 403-361-7200  
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[www.albertahealthservices.ca/eph.asp](http://www.albertahealthservices.ca/eph.asp)